SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1933

No. 31

THE UNITED STATES OF AMERICA, PETITIONER

vs.

F. H. REILY

ON WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE TENTH CIRCUIT

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IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF OKLAHOMA.

Pleas and Proceedings before the Honorable Colin Neblett, Judge of the United States District Court for the District of New Mexico, sitting by assignment in the Western District of Oklahoma, and presiding in the following-entitled cause:

UNITED STATES OF AMERICA, Plaintiff,

vs. #1192 Equity.

F. H. REILY, Defendant,

Bill of Complaint.

Comes now the plaintiff, the United States of America, by Roy St. Lewis, United States Attorney for the Western District of Oklahoma, and William Earl Wiles, Assistant United States Attorney for the Western District of Oklahoma, acting at the request of the Secretary of the Interior and by direction of the Attorney General and brings this bill of complaint herein against F. H. Reily and respectfully represents:

1.

That the defendant is a citizen and a resident of Shawnee, Pottawatomie County, in the Western District of Oklahoma; that the plaintiff now is, and at all times herein mentioned was the owner of the West half of the Northeast quarter (W½NE¼) of Section Nine (9), in Township Ten (10) North of Range Three (3) East of the Indian Meridian, containing eighty (80) acres in Pottawatomie County, Oklahoma, held in trust under and by virtue of treaties and agreements with the Kickapoo Tribe of Indians in Oklahoma, and acts of Congress, for the sole use and benefit of the heirs of Wahpuck-we-che, deceased, allottee #225 of the Mexican Kickapoo Tribe of Indians, of and for whom Charles Eggers is a duly

qualified and acting Superintendent and agent of the United States.

2.

This bill of complaint is brought to restrain the said defendant, his agents, servants, employees and all other persons whose names are unknown to plaintiff, working under or for said defendant, from further interferring with the leasing and managing of Indian lands held in trust by the United States and from further trespassing thereon.

3.

Plaintiff further shows to the Court that on the 18th day of October, 1930, by and through said Superintendent, plaintiff by its lease in writing #6720, duly and regularly leased said lands, for one year commencing January 1st, 1931, and ending December 31, 1931, excepting twelve acres thereof, to Jake F. Craig and the said lessee thereupon put into and now is in possession thereof; that said lessee has paid all rentals due on said lease and is farming said lands and will farm the same for spring crops according to said leasing.

4.

Plaintiff further shows to the Court that the defendant, F. H. Reily, thereafter on the ..... day of ....., 1930, filed in the District Court of Pottawatomie County, Oklahoma, his certain pretended suit for an injunction, and against said J. T. Craig, Charles Eggers and Charles D. Edmeister, being said plaintiff's lessee, Superintendent and district farmer, respectively, and seeking to enjoin each of them from exercising any right, leasing management or possession as heretofore set out of a part of said lands, to-wit: the West one-half of the West one-half of said Northeast Quarter as heretofore described; that on the 27th day of December, 1930, said District Court upon a further hearing of said pretended suit of defendant pretended to issue and make a permanent injunction therein against said lessee, Superintendent and District farmer from going upon or interferring with defendants pretended possession or control of said part of said land, and further in said order pretended to confirm title thereto in said defendant; that said defendant thereafter on the 10th day of January, 1931, filed in said pretended suit

his certain application to have said lessee, J. T. Craig, cited before said District Court for contempt proceedings for pretended interference with said defendants pretended right to possession of a part of said lands in pretended violation of said pretended permanent injunction, and said hearing set for the 24th day of January, 1931, before said Court; that thereafter on the 18th day of January, 1931, said defendant unlawfully entered and is now wilfully and wantonly trespassing upon said lands above mentioned; that all said proceedings of defendant and said orders and injunctions are each null and void because the plaintiff is the owner of said lands and holding the same in trust as aforesaid, and each are a wrongful and unlawful interference with plaintiff's leasing and managing said lands, and is interfering with the United States of America in carrying out the terms of said treaties and agreements with said Indians and said Acts of Congress and the due performance of its trust duties as aforesaid, and unless said defendant is restrained will be unable to do so.

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5.

The plaintiff is without adequate remedy in the premises to prevent such unlawful act by the defendant, F. H. Reily, and other persons associated with him, except in a court of equity and by the immediate restraining orders and subsequent injunctions and decrees of this Court;

Wherefore, plaintiff prays that a writ of subpoena issue directed to F. H. Reily, commanding him to appear herein and answer the allegations contained in this complaint, and to abide by and perform such orders and decrees as the Court may make in the premises;

That the Court upon final hearing of this suit, issue its permanent injunction against the defendant and all persons associated with him in all respects as above specified;

That plaintiff have such other further and general relief as the nature of the case may require and the Court may deem proper in the premises.

ROY ST. LEWIS,
United States Attorney.

WILLIAM EARL WILES,
Assistant United States Attorney.